

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS DELAZZER,

Petitioner,

v.

Case Number 11-13613
Honorable David M. Lawson

MITCH PERRY,

Respondent.

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ORDER DENYING MOTION TO STAY PENDING APPEAL

On February 17, 2012, the Court denied the petitioner's motion to amend or correct his petition for habeas corpus. On March 8, 2012, the Court denied the petitioner's motion for reconsideration of that order. On March 19, 2012, the petitioner filed notice of appeal as to the Court's orders denying the petitioner's motions to amend or correct his petition and for reconsideration. On the same date, the petitioner filed a motion requesting that the Court waive the fees and costs associated with appealing those orders. The Court denied the petitioner's motion on March 23, 2012. The Court also entered an order denying a certificate of appealability as to the Court's February 17, 2012 and March 8, 2012 orders. On April 2, 2012, the petitioner filed a motion to stay the proceedings in this Court pending his appeal to the Sixth Circuit.

As this Court has repeatedly stated, the petitioner is seeking to appeal two orders that do not constitute final dismissals ending litigation on the merits in this case. Consequently, the petitioner's appeal is a request for interlocutory relief over which the Court of Appeals does not have jurisdiction. *Swanson v. DeSantis*, 605 F.3d 829, 832 (6th Cir. 2010). Further, as the Court has explained, the amendment the petitioner seeks, and the denial of which he seeks to appeal, would

have no practical effect on the Court's consideration of his petition. In light of these facts, the Court finds that there is no grounds to stay the proceedings pending the petitioner's Sixth Circuit appeal.

Accordingly, it is **ORDERED** that the plaintiff's motion to stay the proceedings pending appeal in the Sixth Circuit [dkt. #23] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 10, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 10, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL